## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

RANDELL HAMPT	ON,	)	
vs. HENRY PERKINS,	Plaintiff,  Defendant.	) ) ) ) ) ) ) ) ) )	Civil Action Number 2:06-CV-400-MHT
<u>D</u>	EFENDANT'S REC	QUESTED J	URY CHARGE NO. 5
Mere negliger	nce is not enough to	state a claim	of deliberate indifference under the Eighth
Amendment, nor is it	sufficient to show t	hat the prison	guard merely failed to act reasonably.
The crucial question	is whether the prisor	n official was	"subjectively aware of the risk."
Source:	<u>Daniels v. Williams</u> , 474 U.S. 327, 332, 106 S.Ct. 665-66, 88 L.Ed.2d 662 (1986), <u>Pope v. Shafer</u> , 86 F.3d 90, 92 (7th Cir. 1996), <u>Farmer v.</u> <u>Brennan</u> , 114 S.Ct. At 1974		
Given	<del></del>	Refused	
		United Sta	ates District Judge